

Eugene Kim, SBN: 221753

Email: eugene.kim@streamkim.com

STREAM KIM HICKS WRAGE & ALFARO, PC

3403 Tenth Street, Suite 700

Riverside, CA 92501

Telephone: (951) 783-9470

Facsimile: (951) 783-9475

Attorneys for Applicant

HYBE Co., Ltd.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re Ex Parte Application of HYBE
Co., Ltd.,

Applicant.

) CASE NO. 3:24-mc-80175

) **DECLARATION OF GWANG SU**

) **CHOI IN SUPPORT OF**

) **APPLICANT'S *EX PARTE***

) **APPLICATION FOR AN ORDER**

) **PURSUANT TO 28. U.S.C. § 1782**

) **AUTHORIZING DISCOVERY IN**

) **AID OF A FOREIGN CIVIL**

) **PROCEEDING**

)

I, Gwang Su Choi, declare that:

1. I am over 18 years of age and I am competent to testify on the matters stated in this declaration. I have personal knowledge of the matters stated herein, unless expressly stated otherwise.

2. This declaration is in support of the Applicant's *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 Authorizing Discovery for Use in a Foreign Civil Proceeding ("**Application**").

3. I am the legal counsel of HYBE Co., Ltd. (“**HYBE**” or “**Applicant**”), a multinational entertainment corporation established in February 2005 under the laws of the Republic of Korea (“**Korea**”). HYBE’s principal place of business is in Seoul, Korea. At HYBE, one of my responsibilities is to deal with social media issues, including but not limited to false, defamatory or harassing statements made about the company and/or its artists.

4. HYBE is engaged in the entertainment business with a focus on managing and training K-pop singers, operating a record label, a talent agency, a music production company, an event and concert management company, and a music publishing house. HYBE’s subsidiaries include BIGHIT MUSIC Co., Ltd. (“**BIGHIT MUSIC**”) (formerly Big Hit Entertainment from 2005 to March 2021).

5. HYBE is a publicly traded company on the Korea Stock Exchange. Through its subsidiary BIGHIT MUSIC, HYBE employs an innovative management style that includes the wide use of social media to cultivate an audience and transform fan engagement and interest into sales, fandom energy and artist-related content. As a result, false allegations, defamatory and/or harassing statements made by anonymous individuals against HYBE, BIGHIT and/or its artists can cause damage to both those being attacked and the HYBE shareholders.

6. On April 28, 2024,¹ an unidentified person using the X handle² “@guiltyarchive” (the “**X User**”) published numerous posts about HYBE. Attached as **Exhibit 1** is a true and correct screenshot of the posts as of May 2, 2024. The X User’s X account is active as of July 10, 2024 and has approximately 116,300 followers.³

7. The X User’s posts contain false, defamatory and/or harassing statements about the Applicant. These include but are not limited to the following:⁴

(a) X post dated April 28, 2024 (at around 5:32 a.m.): “Hella scary story about

¹ All date and time references are based on Korea Standard Time (KST).

² An X handle is the username that appears at the end of the user’s unique X URL.

³ <https://x.com/guiltyarchive>.

⁴ Based on my review of the Korean language statements made in the Shorts, I hereby confirm the accuracy of the English translations referenced in these subparagraphs.

HYBE / The name of GFriend⁵ album = Walpurgis Night / Walpurgis night = day of burning witches / GFriend disbandment date May 1 / LE SSERAFIM debut May 2 / Witches were burnt (disbanded) and the next day sserafim (angel) debuted – there is a year gap but just for ease of understanding” (Original Korean language: “하이브 관련 존나 무서운 이야기 나옴 / 여자친구 앨범 이름 = 발푸르기스의 밤 / 발푸르기스의 밤 = 마녀를 불태우는 날 / 여자친구 해체일 5월 1일 / 르세라핌 데뷔 5월 2일 / 마녀를 태우고(해체) 다음날 세라핌(천사)가 데뷔함 – 1년 간격은 있지만 이해 편의상 말한거임”).

(b) X post dated April 28, 2024 (at around 11:46 a.m.): “I’m a reasonable person so if it was a total nonsense, I wouldn’t have even posted it / [BTS] did their debut showcase in Ilchi Art Hall / ‘Ilchi’ in Inchi Art Hall is related to DahnWorld⁶ founder” (Original Korean language: “저도 어지간한 사람이라 아예 허황된 개소리같았으면 올리지도 않았음 / 데뷔 쇼케이스도 일지아트홀에서 했는데 / 일지아트홀의 일지는 단월드 창시자의 호임”).

While these X posts do not currently appear online because the X User appears to have removed them, there is nothing that stops the X User from posting the comments again on the still active X account.

8. The X User’s posts have inflicted significant reputational damage on the Applicant. False allegations, defamatory and/or harassing statements made by the anonymous X User against the Applicant and/or its other artists caused damage to both those being attacked and the company.

9. For example, many HYBE fans from around the world believe that the X User’s baseless and false statements are true and are extremely frustrated and upset. These fans sent numerous complaint letters and messages demanding an explanation from HYBE and for HYBE

⁵ Female K-pop group established by SOURCE MUSIC (which was acquired by HYBE). The group disbanded in 2021.

⁶ DahnWorld, a meditation entity in Seoul, Korea, is rumored to be a religious cult. Both DahnWorld and HYBE publicly denied false rumors that they were closely linked or otherwise connected.

1 to stop forcing religious beliefs on its artists. On May 1, 2024, fans of BTS, a boy band
 2 established by HYBE, staged a demonstration at HYBE's headquarters by sending trucks with
 3 messages on billboards stating: "When will we see artists being protected?" (Original Korean
 4 language: "아티스트 보호는 언제?"). On May 2, 2024, BTS fans placed around 30 condolence
 5 wreaths in front of HYBE's headquarters, including wreaths with the message: "Amid endless
 6 owner risks, we hope BTS will part ways with HYBE" (Original Korean language: "철새없는
 7 오너리스크 방탄의 탈하이브 기원한다").⁷

8 10. To date, HYBE's efforts to locate this anonymous person(s) by searching publicly
 9 available information has failed to find the true identity of the X User.

10 11. Based on the X handle name, and the words and expressions in the posts that were
 11 originally published in Korean, we believe that the X User is a native Korean speaker and is
 12 likely to be based in Korea. To date, we have not discovered anything that would indicate the X
 13 User is a non-Korean citizen or is residing in the US.

14 12. On July 9, 2024, the Applicant (along with BIGHIT MUSIC Co., Ltd. and
 15 SOURCE MUSIC Co., Ltd.) filed a civil lawsuit against the anonymous X User in Seoul, Korea
 16 ("**Korean Civil Matter**") for publishing defamatory X posts. The Applicant is claiming
 17 defamation pursuant to Articles 750 and 751 of the Civil Act of Korea against the X User.

18 13. Unless the identity of the anonymous X User is revealed, the Applicant will not
 19 be able to proceed with the Korean Civil Matter.

20 14. The anonymous X User's false, defamatory and/or harassing statements⁸ have
 21 caused irreparable harm to the Applicant and its artists. The X User may continue to upload false,
 22 defamatory and/or harassing statements about HYBE and/or its artists and there is no way for the
 23 Applicant to stop him or her from doing so unless the Applicant can proceed with the Korean
 24 Civil Matter. We look forward to identifying the person(s) responsible for these statements so
 25 that the Applicant's rights can be recognized by the Korean civil court.

26
 27 ⁷ See https://www.koreatimes.co.kr/www/art/2024/07/398_374010.html.


28 ⁸ Since these statements have already been published, we are not seeking any communications or contents of any
 communications through the Applicant's Section 1782 request for limited discovery.

1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United
2 States of America that the foregoing is true and correct.


3
4 Executed on July 10, 2024

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7 GWANG SU CHOI

8 GWANG SU CHOI
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 Home Notifications Messages Lists Bookmarks Communities Profile More

Tweet

 **길티아카이브** @guiltyarchive

하이브 관련 존나 무서운 이야기 나옴
여자친구 앨범 이름 = 발푸르기스의 밤
발푸르기스의 밤 = 마녀를 불태우는 날
여자친구 해체일 5월 1일
르세라핌 데뷔 5월 2일
마녀를 태우고(해체) 다음날 세라핌(천사)가 데뷔함
- 1년 간격은 있지만 이해편의상 말한거임

그리고 민희진 주주총회 4월 30일

[Translate post](#)

개요 동영상 노래 음가 리뷰

노래

1 MAGO 3.19

2024 발푸르기스의 밤 (특집), 시적(서태):
4월 30일 화요일

종료(가짜):
5월 1일 수요일

그래서 사람들은 마녀와 악마를 쫓기 위해 밤에 불을 피우고 시끄러운 소리를 냈습니다. 쉬운 말로, **밤새 불 피우고 놀았다는 뜻이죠.** 밤


5월 2일, 첫 번째 EP 앨범 《ESS》를 발매하며 정식 데뷔

5:32 AM · Apr 28, 2024

20K Quote Tweets Retweets Likes

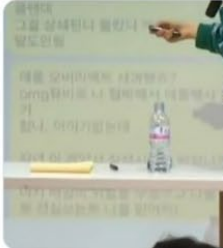

1 50K 39K 28K

Who can reply?
Accounts @guiltyarchive follows or mentioned can reply

 **길티아카이브** @guiltyarchive · Apr 28


민희진은 왜 OMG 유비로 헐박당한걸까요?
왜 단월드 재단 글사태 다니는 멤버들만 삼죽오 마크를 달았을까요
끼야아악

저는 해외에 있습니다 제발 살려주세요 🙏🙏🙏


1 6.2K 5.7K

This Post includes a word you muted. [View](#)

 **길티아카이브** @guiltyarchive · Apr 28


정정
쓰리소녀들 🙏
하지만 22에도 뭐가 있는게 무섭네요

해체는 22일이고
단월드가 22일에 단월드로 명칭 변경했음
하이브가 22에 집착하는건 하이브 소속 가수들만 봐도
알수있...

 **길티아카이브** @guiltyarchive · 46분


ㅁㅁ
너무무서움
진짜 소름끼침
우연이 어케 이렇게까지 겹칠수가 있는거임?
여자친구 마지막 노래 마고 = 단월드가 모시는 신...

1 2.2K 3.1K

 **길티아카이브** @guiltyarchive · Apr 28


제가 더 올리기엔 넘넘 무섭네요
인용에 증거 올린 언니들 많으니 꼭꼭 참고하기 ❤️

1 243 1.2K

 **길티아카이브** @guiltyarchive · Apr 28

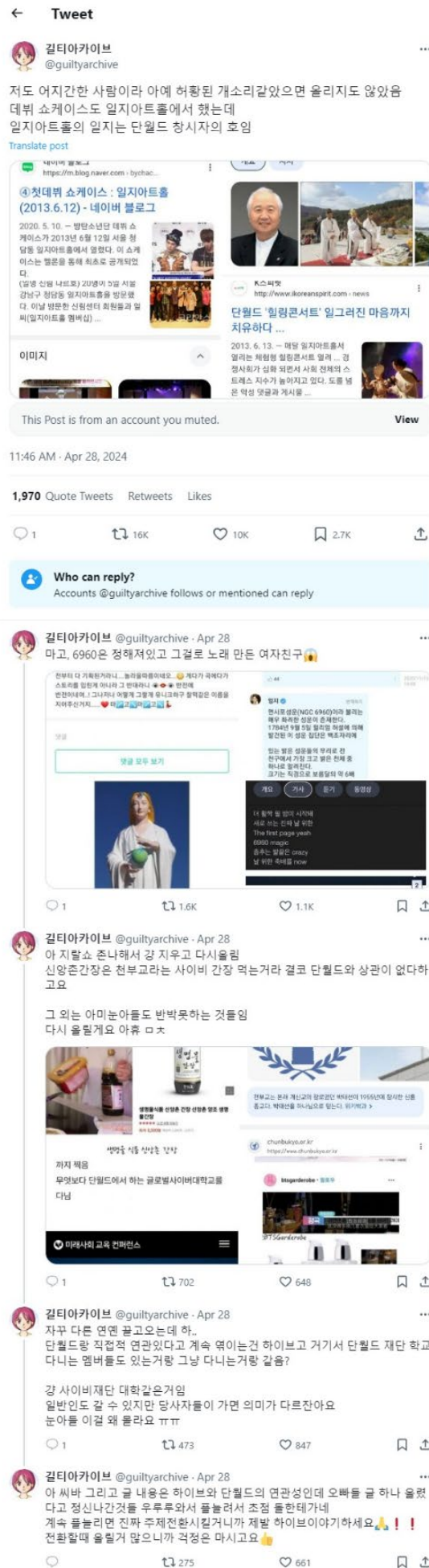
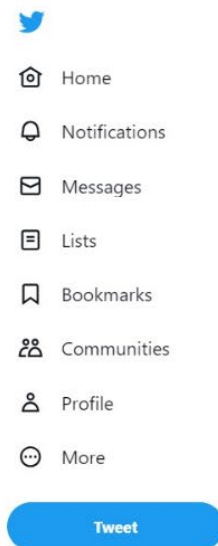
최대한 망췌놀러볼
보이는대로 놀렀는데 아닌것도 많고 단순 확대해석될 수도 있는거라 적당히 걸
러보세요
글구 망췌에 답글도 있으면 타래까지 보세여


1 274 1.3K









 **길티아카이브** @guiltyarchive · Apr 28

재보 존나왔는데 진짜 올린거 빙산의 일각이라서.;
이런게 한두개가 아님

1 316 1.4K






-  Home
-  Notifications
-  Messages
-  Lists
-  Bookmarks
-  Communities
-  Profile
-  More

Tweet

Tweet



Guiltyarchive
@guiltyarchive

...

Hella scary story about HYBE
The name of GFriend album = Walpurgis Night
Walpurgis night = day of burning witches
GFriend disbandment date May 1
LE SSERAFIM debut May 2
Witches were burnt (disbanded) and the next day sserafim (angel) debuted – there is a year gap but just for ease of understanding

Also Hee-jin Min shareholders' meeting April 30

[Translate post](#)

개요
동영상
노래
문기
리뷰

노래

1 MAGO 3:19

2024 발무르기(스리 힐 (죽음), 시작(재해):

4월 30일 화요일

종료(재해):

5월 1일 수요일

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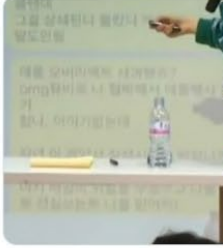

1 50K 39K 28K

Who can reply?
Accounts @guiltyarchive follows or mentioned can reply

Guiltyarchive @guiltyarchive · Apr 28

Why was Hee-jin Min threatened about the OMG music video
Why do the members that attend DahnWorld foundation's Global Cyber Uni have the crow's feet mark Ahhhh

I'm overseas please save me

1 6.2K 5.7K

This Post includes a word you muted. [View](#)

Guiltyarchive @guiltyarchive · Apr 28

Correction
Sorry girls
But it's scary there's something with 22

Disbandment was on the 22nd
DahnWorld changed it's name to DahnWorld on the 22nd
You can tell HYBE is obsessed with 22 if you just look at the HYBE singers...

Guiltyarchive @guiltyarchive · 46분

Shit
So scary
Really creepy
What are the odds?
GFriend's last song MAGO = God that DahnWorld worships...

1 2.2K 3.1K

Guiltyarchive @guiltyarchive · Apr 28

I'm scared of posting more
A lot of people posted evidence in the reference section so please check them out

1 243 1.2K

Guiltyarchive @guiltyarchive · Apr 28

I clicked like as much as I could
I clicked everything that I saw but there are things that are not true and some are just over interpretation so please filter appropriately
Also if there are replies in the liked posts, please see the thread

1 274 1.3K

Guiltyarchive @guiltyarchive · Apr 28

There's been a shit ton of reports but what I posted is just the tip of the iceberg
There is way more

316 1.4K

